

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. No.: 04-10246
JLT

LORENZO GUARINO
[Plaintiff]

Versus

R. W. GRANGER & SONS, INC.
[Defendant]

PLAINTIFF'S ORIGINAL COMPLAINT &
CLAIM TO TRIAL BY JURY

A: PARTIES

1. The plaintiff, LORENZO GUARINO,
is an individual citizen of the
United States and a resident of
the State of Rhode Island.
2. The defendant, R.W. GRANGER & SONS,
INC., is, on information and belief,
a corporation duly organized and
existing under the laws of the
Commonwealth of Massachusetts with a

principal place of business in the Town of Shrewsbury in and for the County of Worcester.

3. The incident giving rise to this claim occurred on or about February 5, 2002, at a site known as the Old Rochester High School which is located in the Town of Marion, County of Plymouth, Commonwealth of Massachusetts.

B. JURISDICTIONAL STATEMENT

4. This Honorable Court has subject matter jurisdiction over this matter under the provisions of 28 U.S.C. § 1332 as the plaintiff identified in ¶ 1 and defendant identified in ¶ 2 are citizens of different states and the amount in controversy in this action exceeds \$ 75, 000.00, exclusive of interest and costs.

*** COUNT ONE ***

**CLAIM OF THE PLAINTIFF, LORENZO GUARINO,
AGAINST THE DEFENDANT R. W. GRANGER & SONS,
INC. FOR PERSONAL INJURIES PREDICATED UPON
NEGLIGENCE**

5. On or about February 5, 2002, the plaintiff, while working for a company known as Fenestration Glass Company, was assigned to perform the work of a glazer at a project which was under construction and renovation at the Old Rochester High School in the Town of Marion, County of Plymouth, in and for the Commonwealth of Massachusetts.
6. On and prior to February 5, 2002, the defendant, R. W. Granger & Sons, Inc. was in the construction business and was acting as the general contractor for the construction and renovation of the project which was under construction at the Old Rochester High School in the Town of Marion, County of Plymouth, in and for the Commonwealth of Massachusetts.
7. As the general contractor on the project identified in ¶¶ 5 & 6, the defendant was under a common law and a statutory duty to take reasonable care for the safety of those lawfully on the worksite and to exercise reasonable control over the means and methods of safety on the subject worksite.

8. On and prior to February 5, 2002, the defendant breached its duty of care and acted in a negligent manner in discharging its duties regarding safety on the above described worksite by, *inter alia*:

- a. *Failing to exercise reasonable care in maintaining a safe work place;*
- b. *Failing to inspect and warn of dangers present on the subject worksite;*
- c. *Failing to comply with applicable state regulations regarding workplace safety, including 29 C.M.R. § 10.58;*
- d. *Failing to comply with applicable regulations of the Occupational Health and Safety Administration (OSHA) regarding work place safety.*

9. As a direct and proximate result of the defendant's negligence and carelessness as summarized above, the plaintiff was caused to suffer serious and permanent personal injuries for which he was required to undergo surgical intervention.

10. As a result of the foregoing, the plaintiff incurred a serious and permanent bodily injury, suffered great pain of body and anguish of mind and has and will continue to suffer from a

loss of his capacity to earn and enjoy
life.

WHEREFORE, the plaintiff, LORENZO GUARINO, demands judgment against the, R. W. GRANGER & SONS, INC., in an amount that is just and appropriate to compensate the plaintiff for all of the compensable damages he has and will continue to suffer as a direct and proximate result of the defendant's negligence and carelessness, plus interest, costs and applicable fees.

RESPECTFULLY:



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